

## **Submission of the President of the Conference of the Parties to the WHO Framework Convention on Tobacco Control**

The WHO Framework Convention on Tobacco Control is the only international public health treaty negotiated under the auspices of WHO in the 21st century. This international Convention inspires and informs the United Nations to work on global tobacco control. It is an evidence based treaty that currently has 181 Parties. It is also unique in singling out the tobacco industry as a distinct business from any other because it's subject to a treaty that contains demand and supply reduction measures and a liability provision (article 19). The Governing Body of the WHO FCTC is the Conference of the Parties.

### **1. Analysis of the questions posed**

#### ***a) An assessment of the situation regarding the principle of “ensuring that no one is left behind” at the global level***

Tobacco use, driven by industry marketing and fuelled by social inequities, is killing 7 million people per year, inhibiting socio-economic development at household, national and global levels, exacting economic burdens on national health care systems, infringing human rights and obstructing progress towards achieving the Sustainable Development Goals (SDGs)<sup>1</sup>.

In 2015, a successful campaign by the Parties to the treaty supported by the Convention Secretariat and others led to the inclusion of Target 3.a in the 2030 Agenda for Sustainable Development, requiring the strengthening of WHO FCTC implementation, as appropriate. Similar efforts in partnership with the World Health Organization (WHO) and the international community at the Third International Conference on Financing for Development secured an agreement that tobacco taxation should be a key source of funds for achieving the SDGs.

Under its guiding principles, the WHO FCTC recognizes that strong political commitment is necessary to develop and support comprehensive multisectoral measures and coordinated responses, taking into consideration the need:

- (a) to take measures to protect all persons from exposure to tobacco smoke;
- (b) to take measures to prevent the initiation, to promote and support cessation, and to decrease the consumption of tobacco products in any form;
- (c) to take measures to promote the participation of indigenous individuals and communities in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and
- (d) to take measures to address gender-specific risks when developing tobacco control strategies.

A number of Guidelines, Policy options and recommendations as well as COP (Conference of the Parties) decisions adopted by consensus by Parties to the WHO FCTC provide that all attention is given to ensure no one is left behind.

#### ***b) The identification of gaps, areas requiring urgent attention, risks and challenges***

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<sup>1</sup> <http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/development-planning-and-tobacco-control--integrating-the-who-fr/>

Based on the latest implementation reports by the Parties, various barriers still prevent State Parties from effective implementation of the Convention, with interference by the tobacco industry, lack of human resources and weak enforcement of existing legislation being the three leading ones.

Another critical challenge to advance the implementation of the WHO FCTC is to integrate tobacco control into broader development agendas. As stated in the Convention, comprehensive multisectoral measures and responses at the national, regional and international levels are essential so as to prevent disease, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke. Although the implementation of the WHO FCTC will always be anchored in the public health sector, it also requires new relationships beyond the health sector. This must be done at national level through multisectoral coordinating mechanisms, but also at the international level through the recognition of the importance of the Convention by the whole UN system, intergovernmental and nongovernmental organizations.

Inclusion of the WHO FCTC in the SDGs is a major step which can accelerate progress and help overcome barriers in global, regional and national tobacco control efforts. Together, targets 3.a and 3.4 (on reducing premature mortality from non-communicable diseases) have the potential to raise awareness of tobacco as a sustainable development issue, commit national governments and other stakeholders to tackle tobacco for the next 15 years, intensify and harmonize tobacco control efforts, and mobilize resources for WHO FCTC implementation, thus better aligning health financing priorities with epidemiological burdens. The Convention Secretariat has now become co-custodian of target 3.a, thus strengthening its cooperation with WHO in monitoring this target.

### *c) Valuable lessons learned on the transformation towards sustainable and resilient societies*

Money spent on tobacco is not available to be spent on basic necessities such as food<sup>2</sup>, education<sup>3</sup> and healthcare<sup>4</sup>. For those families living on very low incomes, where a significant portion of their meagre dispensable income is required to buy food, expenditures on tobacco may make the difference between an adequate diet and malnutrition. In the poorest households in some countries in Africa, 15% of disposable income is spent on tobacco.

Illness due to tobacco is not only caused by smoking, chewing or inhaling the vapour it produces. Those who harvest and cure tobacco frequently report poor health. The absorption of nicotine through the skin when it comes in contact with moist tobacco leaves is the cause of the Green-Tobacco Sickness (GTS)<sup>5</sup>. Pesticides used in farming of tobacco also cause illness, including increased rates of depression and suicide among tobacco farmers. Moreover, tobacco production has been associated with unlawful and exploitative labour, including unpaid child labour as well as low-cost and bonded adult labour. Cigarette manufacturers and leaf buying companies often exploit farmers to obtain profits from below-cost leaf without guarantee of decent working conditions in the sector.<sup>6</sup>

According to recent reports, some advanced trends are detectable in more and more Parties, such as inclusion of reference to Article 5.3 of the WHO FCTC (Protection of public health policies with respect to tobacco control from commercial and other vested interests of the tobacco industry) in Parties' new tobacco control legislation, regulations and programmes. Other important measures

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<sup>2</sup> Shah S, Vaite S. Choosing tobacco over food: daily struggles for existence among the street children of Mumbai, India. In: Efroymson D, FitzGerald S, editors. Tobacco and poverty: observations from India and Bangladesh. PATH Canada, 2002

<sup>3</sup> Kinh HV, Nguyen TL, Vu TBN, Nguyen TM, Nguyen TTH. Burden of tobacco smoking on households in Vietnam. Presented at the Workshop New Evidence on Tobacco Control Policies: South East Asia. August 5, 2003, Helsinki, Finland. Available from: [http://tobaccoevidence.net/pdf/sea\\_activities/Kinh\\_Helsinki\\_Burden.pdf](http://tobaccoevidence.net/pdf/sea_activities/Kinh_Helsinki_Burden.pdf)

<sup>4</sup> Efroymson D, Ahmed S, Townsend J, Alam SM, Dey AR, Saha R, et al. Hungry for tobacco: An analysis of the economic impact of tobacco consumption on the poor in Bangladesh. Tobacco Control. 2001 September; 10(3): 212-7.

<sup>5</sup> <https://www.cdc.gov/niosh/topics/greentobaccosickness/default.html>

<sup>6</sup> 2016. UNDP and WHO NCD sectoral brief: What Ministries of Labour Need to Know, citing Hu, T, and Lee, A (2015). "Tobacco Control and Tobacco Farming in African Countries." J Public Health Policy, 36(1): 41-51.

include extending smoking bans in outdoor public areas; introducing plain packaging and large pictorial warnings; moving towards point-of-sale advertising bans and bans of tobacco product displays at points-of-sale; eliminating illicit trade, promoting alternative livelihoods and the utilization of liability as a tobacco control measure.

In its sixth session the Conference of the Parties adopted policy options and recommendations on economically sustainable alternatives to tobacco growing in relation to articles 17 and 18 of the WHO FCTC.<sup>7</sup> Many countries, including the world's largest producers, are taking steps to find alternatives to tobacco growing. Several economically sustainable alternatives to tobacco growing have been identified in studies in various regions of the world.<sup>8</sup> In order to find economically sustainable alternatives to tobacco growing, not only income and crop profitability but all aspects of farmers' livelihoods need to be addressed. The impact of tobacco growing in the environment is also studied and it becomes clear how curing tobacco leaves by using native forests impacts on climate change. A framework for alternative livelihoods that addresses the problem holistically could form a bridge between academic findings and policy decisions.

The social disruption caused by tobacco growing must be addressed from a development perspective, taking into consideration poverty, unfair contracts, and child and bonded labour. Women and child labour and bonded labour must be tackled from a human rights perspective – these practices violate rights established in international law – in collaboration with relevant international organizations such as ILO, UNICEF and UNDP.

The FCTC 2030 project aims to support Parties to the WHO FCTC that are eligible to receive official development assistance (ODA) to achieve the SDGs by advancing implementation of the Convention. This will include workshops, toolkits, online training on tobacco control, south-south and triangular cooperation, and other forms of assistance to national governments to accelerate treaty implementation.

#### ***d) Emerging issues likely to affect building sustainable and resilient societies***

Analysis of Parties' reports show that tobacco industry interference remains the most important barrier to effective implementation of the Convention. The reports indicate that interference by the tobacco industry prevents the timely passage of legislation, imposing a burden on Parties' time and resources. Recently, the tobacco industry has become more aggressive in fighting new and progressive legislation, as many legal cases seeking to challenge Parties' tobacco control measures have been initiated by the industry. On the other hand, the cases have generally been defeated, with courts around the world ruling in favour of public health interests against the commercial and other vested interests of the tobacco industry and its allies.

The tobacco industry suggests that effective implementation of sustainable alternatives to tobacco growing as well as measures under the WHO FCTC for reducing demand would suddenly extinguish the economic benefits that tobacco growing brings. The economic contribution of tobacco growing to local and national economies, employment figures and the national balance of trade is usually mentioned by the tobacco industry. In reality, annual consumption usually decreases by fractions of percentage points, thus allowing time for growers to diversify into other activities gradually and in combination with implementation of government adjustment programmes. Mechanization of tobacco growing and competition in international trade generally bear much more responsibility for decreasing employment. Therefore, the argument by the tobacco industry is incorrect.

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<sup>7</sup> decision FCTC/COP6(11))

<sup>8</sup> Summary of possible alternative crops. Paper presented at the third meeting of the working group (in relation to Articles 17 and 18 of the WHO FCTC), Geneva, Switzerland, 14-16 February 2012.

Further, steps need to be taken to track/identify the companies involved in illicit trade so as to counter illicit trade through law enforcement measures. According to the World Customs Organization, the growth in the illicit trade in tobacco remains a worrying worldwide phenomenon and an enduring source of funding for other illicit activities that undermine social order, good governance and the rule of law.<sup>9</sup>

***e) Areas where political guidance by the HLPF is required***

Tobacco control is central to the social, economic and environmental strands of development, including the specific areas covered above: poverty and inequity reduction, decent work and economic growth, environmental sustainability, and development financing. Governments must be supported to routinely consider and address the interactions between tobacco and other sustainable development priorities and, accordingly, to treat WHO FCTC implementation as an obligation for not just health but all relevant sectors.

The Parties to the WHO FCTC recognize that achieving the SDGs will require significant new investments in development, which will increasingly need to be generated from domestic sources. Tobacco tax revenue can fund tobacco control, also fund other development policies. Addis Ababa Action Agenda of the Third International Conference on Financing for Development recognized that, “as part of a comprehensive strategy of prevention and control, price and tax measures on tobacco can be an effective and important means to reduce tobacco consumption and health-care costs, and represent a revenue stream for financing for development in many countries”. Parties to the WHO FCTC are committed to strengthen implementation of the Convention and will support mechanisms to raise awareness and mobilize resources. Raising excise taxes on cigarette purchases by about US\$ 0.80 per pack in all countries, for example, would lead to as many as 66 million fewer smokers and generate an extra US\$141 billion in revenue globally.

The HLPF will be an important platform to raise awareness and help Parties to fulfil their political commitment to include the achievement of Target 3.a in each country’s overall national SDGs plan.

***f) Policy recommendations on ways to accelerate progress in establishing sustainable and resilient societies***

The Delhi Declaration calls on Parties to actively pursue the achievement of SDG Target 3.a and strengthen implementation of the WHO FCTC. In collaboration with WHO and other development partners, the State Parties are encouraged to promote additional related targets including but not limited to gender equality and reduced inequalities; specifically, by (i) engaging non-health government departments to prevent tobacco industry interference at all levels, in accordance with Article 5.3, (ii) supporting effective enforcement and implementation of the Protocol to Eliminate Illicit Trade and increasing coordination and cooperation between health and trade/investment departments, (iii) promoting alternative livelihood of tobacco growers and workers, (iv) increasing financial, technical and human resources particularly for and in developing countries, (v) strengthening national capacities for tobacco taxes in accordance with Article 6 (to meet the commitments contained in the Addis Ababa Action Agenda and support the implementation of the SDGs), (vi) strengthening United Nations and bilateral interagency collaboration and other.

Considering that policies focused on economically, socially and environmentally sustainable alternatives to tobacco growing have a multilevel and crosscutting impact on the 2030 Agenda for Sustainable Development, COP adopted Decision FCTC/COP7(10)<sup>10</sup>, which encourages Parties not growing tobacco to not introduce tobacco growing and urge the international community to support mobilization of resources to promote economically viable alternatives to tobacco growers and workers.

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<sup>9</sup> World Customs Organization, The illicit trade report 2013, Brussels, 2014.

<sup>10</sup> [http://www.who.int/fctc/cop/cop7/FCTC\\_COP7\(10\)\\_EN.pdf?ua=1](http://www.who.int/fctc/cop/cop7/FCTC_COP7(10)_EN.pdf?ua=1)

All countries benefit from fully implementing the WHO FCTC, above all by protecting their citizens from the harms of tobacco use and second hand tobacco smoke and reducing its economic toll on national economies. Tobacco control can break the cycle of poverty, contribute to ending hunger, and promote sustainable agriculture and economic growth.

2. Assessment of the WHO FCTC contribution to the highlighted SDG's for the 2018 High Level Political Forum

***Goal 6: Ensure availability and sustainable management of water and sanitation for all***

Tobacco growing has known negative effects on water systems. The use of pesticides and fertilizer for growing this crop contaminates water. Tobacco growing, as is the case with other crops, should adhere to the concept of Good Agricultural Practices (GAP), which is recognized, wherever applicable, in Parties in relation to all the operations in cropping systems, including soil management, pest management, water management, as well as the use and application of agrochemicals, fertilizers and machinery.

***Goal 11: Sustainable cities and communities***

An important factor in urban areas related to tobacco is the exposure to second hand smoke. There is no safe level of exposure to tobacco smoke, and notions such as a threshold value for toxicity from second-hand smoke should be rejected, as they are contradicted by scientific evidence. Approaches other than 100% smoke free environments, including ventilation, air filtration and the use of designated smoking areas (whether with separate ventilation systems or not), have repeatedly been shown to be ineffective. In 2007, during the second COP, Guidelines on the reduction of exposure to second hand smoke were adopted.<sup>11</sup>

***Goal 12: Responsible consumption and production***

Tobacco consumption and production are far from responsible. The WHO Framework Convention on Tobacco Control was negotiated precisely for this reason: it reaffirms the right of all people to the highest standard of health. The WHO FCTC was developed by countries in response to the globalization of the tobacco epidemic. It aims to tackle some of the causes of that epidemic, including complex factors with cross-border effects, such as trade liberalization and direct foreign investment, tobacco advertising, promotion and sponsorship beyond national borders, and illicit trade in tobacco products. Recently the Board of the UN Global Compact<sup>12</sup> has delisted the tobacco industry as social responsible corporation. Bottom line is that there is no responsible consumption or production what led governments to negotiate a treaty to curb the tobacco epidemic.

The WHO FCTC is a multisectoral treaty; curbing the tobacco epidemic is not only a health perspective, but also takes economies, development, labor, gender and illegal trade into account. This results in intense collaborations with other UN entities such as UNDP, FAO and the ILO.

***Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss***

The cultivation of tobacco leads to deforestation, as slash-and-burn techniques are used to clear forests to create tobacco fields, with trees releasing their stored carbon into the atmosphere as they burn.<sup>13</sup> Tobacco – from cultivation to consumer use – also creates waste and inflicts damage on the environment. Examples include:

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<sup>11</sup> [http://www.who.int/fctc/treaty\\_instruments/adopted/article\\_8/en/](http://www.who.int/fctc/treaty_instruments/adopted/article_8/en/)

<sup>12</sup> [https://www.unglobalcompact.org/docs/about\\_the\\_gc/UNGC-Board-Meeting\\_Report\\_07-19-17.pdf](https://www.unglobalcompact.org/docs/about_the_gc/UNGC-Board-Meeting_Report_07-19-17.pdf)

<sup>13</sup> <http://newsroom.unfccc.int/nature-s-role/un-climate-summit-forests/>

- Tobacco-leaf cultivation leads to deforestation due to land clearing, depletion of soil nutrients (including nitrogen, potassium and phosphorus), and contamination of land and water due to extensive use of pesticides, growth regulators and chemical fertilizers.
- Tobacco curing leads to further deforestation due to the high demand for wood to cure tobacco leaves. Apart from the impact on the original forests, curing affects ecosystems as the need for wood for curing means additional woodlands are cultivated with non-native trees, with a potential negative impact on the ecology and biodiversity and are co-responsible for impact on climate change.
- The manufacture of cigarettes and other tobacco products contributes to climate change by releasing greenhouse gases and other waste emitted from manufacturing in the environment.
- The cigarette butts littered around continue to contain the harmful chemicals including the carcinogens and add to the environmental pollution. Spitting by a smokeless tobacco user has the hazardous possibility of spreading communicable diseases like tuberculosis.

***Goal 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development***

The WHO FCTC is a multisectoral convention, supported by a small Convention Secretariat, and thus relies greatly on the cooperation with a diverse array of other UN agencies. These include but are not limited to, the World Health Organization (WHO), the United Nations Development Programme (UNDP), the Food and Agricultural Organisation (FAO) and the International Labour Organization (ILO). It also relies on collaboration with the civil society, especially with observers to the COP.

The COP has been inviting, and will continue to invite, relevant UN entities and specialized agencies, regional organizations as well as a large group of non-governmental organizations to become observers to its meetings and encourage them to actively contribute to its work.